THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12334 of 1997

ORAL ORDER:

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This writ petition is filed seeking a Mandamus directing the respondents to regularize the services of the petitioner as Traffic Assistant from the date of completion of one-year service by paying salary and allowances attached to the post of Traffic Assistant.

It is the case of the petitioner that he was appointed as Traffic Assistant on contract basis vide proceedings of the first respondent dated 27.1.1992 and since then he has been playing Hockey game for the Corporation with designation as Traffic Assistant on a consolidated pay of Rs.1400/- per month. In the appointment order, it was stipulated that after completion of 60 days, he will be paid Provident Fund and during the contract period, other benefits will not be available to him. After completion of one year service, in view of his performance and efficiency in the field of Hockey game, the pay of the petitioner was enhanced to Rs.1600/- per month. The petitioner was sent to play Hockey Tournament in Madhya Pradesh during 1.3.1992 to 4.3.1992 and he was given certificate to that effect. Petitioner was also sent to play Hockey Tournament organized by Uttar Pradesh Road Transport Corporation from 27.11.1992 to 30.11.1992. Likewise, petitioner was also asked to play All India Hockey Tournament held at Nainital during 1993 and he participated in all the games and won most of the tournaments, thus, the petitioner not only a distinguished player, but also played several tournaments during 1988 to 1992 at various places viz. Lucknow, Delhi, Jammu and Kashmir, Madhya Pradesh and Bikanair and also represented South Zone in the State and also outside the State. Though he worked as Traffic Assistant since January 1992, his services were not regularized in the said capacity though he possessed the requisite qualifications to hold the said post. However, he was offered with the post of Conductor vide proceedings dated 11.6.1997. According to the petitioner, the post of Conductor is far below in rank compared to that of Traffic Assistant.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioner stating that the petitioner was appointed as Traffic Assistant on contract basis by order dated 27.1.1992 on a consolidated pay of Rs.1400/- per month for a period of 12 months initially subject to certain conditions. The said appointment was made under the A.R.T.S.C.O. scheme for playing Hockey Games on behalf of Corporation. The intention was that the petitioner should be exclusively given the opportunity to concentrate on his games/plays in order to develop his ability without attaching him duties of crew or Office Assistants or Supervisors in order to bring credit to the Corporation in Sports and Games. He is not a regular employee of the Corporation and he never discharged any traffic duties. Further, he is not borne on the cadre of the Corporation. There is no such post called Traffic Assistant contemplated under APSRTC Employees (Recruitment) Regulations and there is no scale prescribed for the said post as the same is not a regular post. Petitioner was paid only a consolidated sum per month. The Corporation being a public organisation, no appointment can be made except calling through Employment Exchange or by giving public advertisement and the appointees must possess requisite qualifications prescribed for the post and they should be selected by a duly constituted selection committee. Since the post of Traffic Assistant is not contemplated under Recruitment Regulations, and as the persons appointed to the post of Traffic Assistant are not required to discharge any traffic duties and since they are required to represent the Corporation in Sports/Games, no educational qualifications were prescribed for the said post. As such, the petitioner did not acquire any right to the post of Traffic Assistant or to any higher post of Deputy Superintendent (Traffic). As per ARTSCO scheme, at the end of three year period the persons who were appointed as Traffic Assistant would be offered suitable jobs in the Corporation depending upon their capacity, merit and qualifications. The petitioner has not exhibited any outstanding merit, however, the Divisional Manager (Sports), vide proceedings dated 11.6.1997 offered the post of Conductor to the petitioner along with two others. Therefore, the petitioner is not entitled for

regularization in the post of Traffic Assistant.

Heard both sides.

From the above, it is clear that the appointment of the petitioner as Traffic Assistant is to encourage the people in the game of Hockey and after completion of three years period, he was offered with the post of Conductor as per his eligibility and merit. The post of Traffic Assistant purported to have been held by the petitioner was not borne on the cadre of Recruitment Regulations of the Corporation. The petitioner has no right whatsoever for seeking regularization or promotion as Deputy Superintendent (Traffic). The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 29.3.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12334 of 1997

29.3.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12334 of 1997

Date: 29th March, 2007

Between:

P.Johnson Krupavaram

.. Petitioner

And

The Managing Director, APSRTC,
Musheerabad, Hyderabad & another.

.. Respondents